



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/301,989	04/29/1999	HERZEL LAOR	4261500150	6316

27510 7590 05/02/2002  
KILPATRICK STOCKTON LLP  
607 14TH STREET, N.W.  
SUITE 900  
WASHINGTON, DC 20005

EXAMINER

ART UNIT PAPER NUMBER

DATE MAILED: 05/02/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Applicant on 1/22/02 filed an appeal brief, appealing the 9/26/01 rejection of claims 59-67.

However, claims 59-67 were first presented in the 7/17/01 amendment (along with the filing of an RCE), and said claims were first rejected in said 9/26/01 office action.

Said claims 59-67 have not been twice rejected nor have they been finally rejected.

MPEP §1205 and 37 CFR 1.191 clearly indicate that an appeal of a claim can only be taken if said claim has been twice rejected or if said claim has been finally rejected.


Since claims 59-67 have been neither twice rejected or finally rejected, an appeal of said claims 59-67 cannot properly be taken at this time.

The 1/22/02 appeal brief will accordingly be treated as a "request for reconsideration" and an office action, which takes into account, this "request for reconsideration", will follow in due course.

Any inquiries concerning this communication or earlier communications from the examiner should be directed to Harvey Behrend whose telephone number is (703) 305-1831. The examiner can normally be reached on Tuesday to Friday.

If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Michael Carone, can be reached on (703) 306-4198. The fax phone number for the organization where the application or proceeding is assigned is (703) 306-4195.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.



HARVEY E. BEHREND  
PRIMARY EXAMINER

HBehrend/jph  
4/23/02